

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

FRESNO TRUCK CENTER,

Plaintiff,

vs.

PERFORMANCE TRUCK LEASING LLC,
MICHAEL FRYE, and DERRICK STEWART,

Defendants.

Case No. 2:13-cv-00115-LDG-NJK

ORDER

(Mtn to Withdraw - Dkt. #17)

This matter is before the court on the Motion to Withdraw as Counsel of Record for Defendants (Dkt. #17) filed June 28, 2013. Steven L. Morris, Esq., seeks to withdraw as counsel of record for Performance Truck Leasing, LLC., Michael Frye, and Derrick Stewart. The Motion represents that the Defendants are no longer able to pay the attorneys' fees and costs in this case. Local Rule IA 10-6 provides that "no withdrawal . . . shall be approved if delay of discovery, the trial or any hearing in the case would result." The Complaint was filed on January 22, 2013; the Defendants filed their Answer on March 5, 2013; the Court entered the Discovery Plan and Scheduling Order on April 2, 2013.

Having reviewed and considered the matter, and for good cause shown,

IT IS ORDERED:

1. The Motion to Withdraw as Counsel of Record for Defendants (Dkt. #17) is GRANTED.
2. A corporation cannot appear except through counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993). Therefore, Performance Truck Leasing, LLC, shall have until **August 1, 2013** to retain new counsel, who shall file a notice of appearance in accordance with the Local Rules of Practice.

3. Michael Frye, and Derrick Stewart shall have until **August 1, 2013** to either retain new counsel, who shall file a notice of appearance in accordance with the Local Rules of Practice, or to file a statement that they will be proceeding *pro se*.

4. Failure to comply with this order may result in a recommendation to the District Judge for sanctions, including case-dispositive sanctions.

4. The Clerk of Court shall serve a copy of this Order on Performance Truck Leasing, LLC., Michael Frye, and Derrick Stewart at:

Performance Truck Leasing, LLC
c/o Woodbury, Morris & Brown
701 N. Green Valley Parkway, Suite 110
Henderson, NV 89074

Michael Frye
7155 S Bermuda #A
Las Vegas, NV 89119-4372

Derrick Stewart
225 Saint Elmo Cir.
Las Vegas, NV 89123-6688

Dated: July 1, 2013



NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE